

Advisory Opinion

IECDB AO 2008-03

May 5, 2008

TO ALL INTERESTED PERSONS:

Pursuant to Iowa Code section 68B.32A(11) and rule 351—1.2, the Iowa Ethics and Campaign Disclosure Board issues this opinion on which campaign committee officers are required to be disclosed on a statement of organization. We note at the outset that the Board's jurisdiction is limited to the application of Iowa Code chapters 68A and 68B, Iowa Code section 8.7, and rules in Iowa Administrative Code chapter 351. Advice in a Board opinion, if followed, constitutes a defense to a subsequent complaint based on the same facts and circumstances.

OPINION:

The issue has been raised concerning which officers of a campaign committee are required to be disclosed on a statement of organization that registers a committee.

Iowa Code section 68A.201 details the information that a campaign committee must disclose when it registers with the Board by filing a statement of organization (DR-1). Iowa Code section 68A.201(2)“b” provides that the “name, mailing address, and position of the committee officers” is required to be disclosed. Iowa Code section 68A.203(1)“a” provides that every candidate shall appoint a treasurer and that every other type of campaign committee shall appoint a chairperson and treasurer. ¹

The Board is of the opinion that only those officers who are required by statute to be appointed are required to be disclosed on a statement of organization filed by a campaign committee. Otherwise, a campaign committee would be placed in the situation of disclosing the information for every single person given a title or office with the campaign. In situations involving a state political party or a candidate for statewide office this could be numerous people. ²

We do not believe that there is sufficient benefit to the public for mandating disclosure of additional campaign officers on the statement of organization. If these people make contributions to the campaign or receive payments from the campaign committee, this information is reflected on the campaign committee's public disclosure report including their names and addresses.

In closing, this opinion also applies to a campaign that files Form DR-SFA. This form is filed by a campaign that has not exceeded the \$750 financial filing threshold that

mandates the registration of a campaign committee and the filing of a statement of organization. However, the campaign wants to form a “committee” for purposes of using the abbreviated “paid for by” attribution under Iowa Code section 68A.405. Thus, on Form DR-SFA only the officers that are required to be appointed under Iowa Code section 68A.203(1) are required to be disclosed.

BY DIRECTION AND VOTE OF THE BOARD

James Albert, Board Chair
Janet Carl, Vice Chair
Gerald Sullivan
Betsy Roe
John Walsh
Patricia Harper

Submitted by: W. Charles Smithson, Board Legal Counsel

¹ We note that both of these requirements are also set out in rule 351—4.4(1).

² The Board also notes that historically the statement of organization form has only included space for a chairperson and treasurer and has made it clear that a candidate is only required to appoint a treasurer. In addition, the Board has never sanctioned a committee for not disclosing officers who were not otherwise required by law to be appointed.